

110TH CONGRESS
1ST SESSION

H. R. 3495

To establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2007

Ms. CORRINE BROWN of Florida introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To establish a National Commission on Children and Disasters, a National Resource Center on Children and Disasters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kids in Disasters Well-
5 being, Safety, and Health Act of 2007”.

6 **SEC. 2. DEFINITION.**

7 In this Act, the terms “child” and “children” mean
8 an individual or individuals, respectively, who have not at-
9 tained 18 years of age.

1 **TITLE I—NATIONAL COMMIS-**
2 **SION ON CHILDREN AND DIS-**
3 **ASTERS**

4 **SEC. 101. ESTABLISHMENT OF COMMISSION.**

5 There is established in the legislative branch the Na-
6 tional Commission on Children and Disasters (in this title
7 referred to as the “Commission”).

8 **SEC. 102. PURPOSES OF COMMISSION.**

9 The purposes of the Commission are to—

10 (1) examine, assess, and report upon the facts
11 and causes relating to the needs of children before,
12 during, and after all hazards, disasters, and emer-
13 gencies;

14 (2) build upon the investigations of other enti-
15 ties and avoid unnecessary duplication, by reviewing
16 the findings, conclusions, and recommendations of
17 other executive branch, congressional, or inde-
18 pendent commissions, or nongovernmental entities,
19 relating to the needs of children before, during, and
20 after all hazards, disasters, and emergencies, includ-
21 ing Hurricane Katrina and the terrorist attacks of
22 September 11, 2001; and

23 (3) investigate and report to the President and
24 Congress on its findings, conclusions, and rec-
25 ommendations for corrective measures that can be

1 taken to address fully the needs of children before,
2 during, and after all hazards, disasters, and emer-
3 gencies.

4 **SEC. 103. COMPOSITION OF COMMISSION.**

5 (a) MEMBERS.—The Commission shall be composed
6 of 10 members, of whom—

7 (1) 1 member shall be appointed by the Presi-
8 dent, by and with the advice and consent of the Sen-
9 ate, and shall serve as the chairperson;

10 (2) 1 member, who is of a different political
11 party than that of the member appointed under
12 paragraph (1), shall be appointed by the President,
13 by and with the advice and consent of the Senate,
14 and shall serve as vice chairperson;

15 (3) 2 members shall be appointed by the Major-
16 ity Leader of the Senate;

17 (4) 2 members shall be appointed by the Minor-
18 ity Leader of the Senate;

19 (5) 2 members shall be appointed by the Speak-
20 er of the House of Representatives; and

21 (6) 2 members shall be appointed by the Minor-
22 ity Leader of the House of Representatives.

23 (b) POLITICAL PARTY AFFILIATION.—Not more than
24 5 members of the Commission shall be from the same po-
25 litical party.

1 (c) GOVERNMENTAL APPOINTEES.—An individual
2 appointed to the Commission may not be an elected official
3 of the Federal Government or any State or local govern-
4 ment.

5 (d) PRIVATE NONPROFIT REPRESENTATION.—At
6 least a majority of the members of the Commission shall
7 be from private nonprofit entities with a demonstrated en-
8 gagement in addressing the needs of children before, dur-
9 ing, and after all hazards, disasters, and emergencies.

10 (e) MEMBER EXPERTISE.—Each of the following
11 areas of primary expertise must be represented by at least
12 one member of the Commission:

13 (1) Child physical and mental health services
14 and delivery systems.

15 (2) Child welfare services and delivery systems.

16 (3) Affordable housing services relevant to chil-
17 dren, youth, and families.

18 (4) Elementary and secondary education serv-
19 ices.

20 (5) Public finance mechanisms relevant to chil-
21 dren, youth, and families.

22 (6) Emergency mitigation, preparedness, re-
23 sponse and recovery activities relevant to children.

24 (7) Philanthropy focused on the needs of chil-
25 dren.

1 (8) Private enterprise, including experience in
2 donating goods, services, or personnel to meet the
3 needs of children and families after a major disaster.

4 (f) DEADLINE FOR APPOINTMENT.—All members of
5 the Commission shall be appointed not later than 60 days
6 after the date of enactment of this Act.

7 (g) INITIAL MEETING.—The Commission shall meet
8 and begin the operations of the Commission not later than
9 90 days after the date of enactment of this Act.

10 (h) QUORUM; VACANCIES.—After its initial meeting,
11 the Commission shall meet at the call of the chairperson
12 or a majority of the members of the Commission. Six
13 members of the Commission shall constitute a quorum for
14 purposes of conducting business. Any vacancy in the Com-
15 mission shall not affect its powers, and shall be filled in
16 the same manner in which the original appointment was
17 made.

18 **SEC. 104. FUNCTIONS OF THE COMMISSION.**

19 The Commission shall—

20 (1) conduct an investigation that—

21 (A) examines and assesses relevant facts
22 and causes relating to the needs of children be-
23 fore, during, and after all hazards, disasters,
24 and emergencies; and

1 (B) includes relevant facts and causes re-
2 lating to the needs of—

3 (i) children’s health and mental
4 health, including emergency care, critical
5 care, trauma care, infectious diseases, and
6 psychosocial support in a variety of set-
7 tings including pre-hospital settings;

8 (ii) child care, including in private for-
9 profit and nonprofit settings;

10 (iii) child welfare;

11 (iv) elementary and secondary edu-
12 cation;

13 (v) affordable housing;

14 (vi) transportation;

15 (vii) public finance mechanisms;

16 (viii) juvenile justice; and

17 (ix) relevant activities in emergency
18 mitigation, preparedness, response, and re-
19 covery;

20 (2) identify, review and evaluate existing law
21 relevant to the needs of children before, during, and
22 after all hazards, disasters, and emergencies;

23 (3) identify, review, and evaluate the lessons
24 learned from Hurricanes Katrina and Rita, the ter-
25 rorist attacks of September 11, 2001, and any other

1 relevant disaster of the past 10 years which the
2 Commission chooses to analyze, regarding the miti-
3 gation, preparedness, response, recovery, coordina-
4 tion, and service delivery policies of the Federal Gov-
5 ernment, and, where applicable, State and local gov-
6 ernments and nongovernmental entities, relative to
7 addressing fully the needs of children before, during,
8 and after all hazards, disasters, and emergencies;
9 and

10 (4) submit to the President and Congress such
11 reports as required by this title containing such find-
12 ings, conclusions, and recommendations for correc-
13 tive measures as the Commission shall determine ap-
14 propriate, including proposing organization, plan-
15 ning, coordination, management, and financial poli-
16 cies, arrangements, procedures, rules, and regula-
17 tions.

18 **SEC. 105. POWERS OF THE COMMISSION.**

19 (a) IN GENERAL.—

20 (1) HEARINGS AND EVIDENCE.—The Commis-
21 sion or, on the authority of the Commission, any
22 subcommittee or member thereof, may, for the pur-
23 pose of carrying out this title—

24 (A) hold such hearings and sit and act at
25 such times and places, take such testimony, re-

1 ceive such evidence, and administer such oaths
2 as may be necessary to carry out the functions
3 of the Commission; and

4 (B) subject to paragraph (2)(A), require,
5 by subpoena or otherwise, the attendance and
6 testimony of such witnesses and the production
7 of such books, records, correspondence, memo-
8 randa, papers, and documents, as the Commis-
9 sion or such designated subcommittee or des-
10 ignated member may determine appropriate.

11 (2) SUBPOENAS.—

12 (A) ISSUANCE.—

13 (i) IN GENERAL.—A subpoena may be
14 issued under this subsection only—

15 (I) by the agreement of the
16 chairperson and the vice chairperson;
17 or

18 (II) by the affirmative vote of 6
19 members of the Commission.

20 (ii) SIGNATURE.—Subject to clause
21 (i), subpoenas may be issued under this
22 subsection under the signature of the
23 chairperson or any member designated by
24 a majority of the Commission, and may be
25 served by any individuals designated by the

1 chairperson or by a member designated by
2 a majority of the Commission.

3 (B) ENFORCEMENT.—In the case of contu-
4 macy or failure to obey a subpoena issued
5 under subparagraph (A), the United States dis-
6 trict court for the judicial district in which the
7 subpoenaed individual resides, is served, or may
8 be found, or where the subpoena is returnable,
9 may issue an order requiring such individual to
10 appear at any designated place to testify or to
11 produce documentary evidence. Any failure to
12 obey the order of the court may be punished by
13 the court as a contempt of that court.

14 (3) WITNESS ALLOWANCES AND FEES.—

15 (A) IN GENERAL.—Section 1821 of title
16 28, United States Code, shall apply to a witness
17 requested or subpoenaed to appear at a hearing
18 of the Commission.

19 (B) EXPENSES.—The per diem and mile-
20 age allowances for a witness shall be paid from
21 funds available to pay the expenses of the Com-
22 mission.

23 (b) CONTRACTING.—The Commission may, to such
24 extent and in such amounts as are provided in appropria-

1 tion Acts, enter into contracts to enable the Commission
2 to discharge its duties under this title.

3 (c) INFORMATION FROM FEDERAL AGENCIES.—

4 (1) IN GENERAL.—The Commission is author-
5 ized to secure directly from any executive depart-
6 ment, bureau, agency, board, commission, office,
7 independent establishment, or instrumentality of the
8 Federal Government, information, suggestions, esti-
9 mates, and statistics for the purposes of this title.
10 Each department, bureau, agency, board, commis-
11 sion, office, independent establishment, or instru-
12 mentality shall, to the extent authorized by law, fur-
13 nish such information, suggestions, estimates, and
14 statistics directly to the Commission, upon request
15 made by the chairperson, the chairperson of any
16 subcommittee created by the Commission, or any
17 member designated by a majority of the Commis-
18 sion.

19 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
20 SEMINATION.—Information shall only be received,
21 handled, stored, and disseminated by members of
22 the Commission and its staff consistent with all ap-
23 plicable statutes, regulations, and Executive orders.

24 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

1 (1) GENERAL SERVICES ADMINISTRATION.—

2 The Administrator of General Services shall provide
3 to the Commission on a reimbursable basis adminis-
4 trative support and other services for the perform-
5 ance of the Commission's functions.

6 (2) OTHER DEPARTMENTS AND AGENCIES.—In
7 addition to the assistance provided for under para-
8 graph (1), departments and agencies of the United
9 States may provide to the Commission such services
10 as they may determine advisable and as may be au-
11 thorized by law.

12 (e) GIFTS.—The Commission may accept, use, and
13 dispose of gifts or donations of services or property.

14 (f) POSTAL SERVICES.—The Commission may use
15 the United States mails in the same manner and under
16 the same conditions as departments and agencies of the
17 United States.

18 **SEC. 106. STAFF OF COMMISSION.**

19 (a) IN GENERAL.—

20 (1) APPOINTMENT AND COMPENSATION.—The
21 chairperson of the Commission, in consultation with
22 the vice chairperson, in accordance with rules agreed
23 upon by the Commission, may appoint and fix the
24 compensation of a staff director and such other per-
25 sonnel as may be necessary to enable the Commis-

1 sion to carry out its functions, in accordance with
2 the provisions of title 5, United States Code, except
3 that no rate of pay fixed under this subsection may
4 exceed the equivalent of that payable for a position
5 at level V of the Executive Schedule under section
6 5316 of title 5, United States Code.

7 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

8 (A) IN GENERAL.—The provisions of the
9 Federal Advisory Committee Act (5 U.S.C.
10 App) shall apply to the staff director and any
11 personnel of the Commission.

12 (B) MEMBERS OF COMMISSION.—Subpara-
13 graph (A) shall not be construed to apply to
14 members of the Commission.

15 (b) DETAILEES.—Any Federal Government employee
16 may be detailed to the Commission without reimbursement
17 from the Commission, and such detailee shall retain the
18 rights, status, and privileges or his or her regular employ-
19 ment without interruption.

20 (c) CONSULTANT SERVICES.—The Commission is au-
21 thorized to procure the services of experts and consultants
22 in accordance with section 3109 of title 5, United States
23 Code, but at rates not to exceed the daily rate paid a per-
24 son occupying a position at level IV of the Executive

1 Schedule under section 5315 of title 5, United States
2 Code.

3 **SEC. 107. COMPENSATION AND TRAVEL EXPENSES.**

4 (a) COMPENSATION.—Each member of the Commis-
5 sion may be compensated at a rate not to exceed the daily
6 equivalent of the annual rate of basic pay in effect for
7 a position at level IV of the Executive Schedule under sec-
8 tion 5315 of title 5, United States Code, for each day dur-
9 ing which that member is engaged in the actual perform-
10 ance of the duties of the Commission.

11 (b) TRAVEL EXPENSES.—While away from their
12 homes or regular places of business in the performance
13 of services for the Commission, members of the Commis-
14 sion shall be allowed travel expenses, including per diem
15 in lieu of subsistence, in the same manner as persons em-
16 ployed intermittently in the Government service are al-
17 lowed expenses under section 5703(b) of title 5, United
18 States Code.

19 **SEC. 108. REPORTS OF THE COMMISSION; TERMINATION.**

20 (a) INTERIM REPORTS.—The Commission may sub-
21 mit to the President and Congress interim reports con-
22 taining such findings, conclusions, and recommendations
23 for corrective measures as have been agreed to by a major-
24 ity of Commission members.

1 (b) FINAL REPORT.—Not later than 16 months after
2 the date of the enactment of this Act, the Commission
3 shall submit to the President and Congress a final report
4 containing such findings, conclusions, and recommenda-
5 tions for corrective measures as have been agreed to by
6 a majority of Commission members.

7 (c) TERMINATION.—

8 (1) IN GENERAL.—The Commission, and all the
9 authorities of this title, shall terminate 60 days after
10 the date on which the final report is submitted
11 under subsection (b).

12 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
13 MINATION.—The Commission may use the 60-day
14 period referred to in paragraph (1) for the purpose
15 of concluding its activities, including providing testi-
16 mony to committees of Congress concerning its re-
17 ports and disseminating its final report.

18 **SEC. 109. AUTHORIZATION OF APPROPRIATIONS.**

19 There is authorized to be appropriated to carry out
20 this title, \$2,000,000 for each of fiscal years 2008 and
21 2009.

1 **TITLE II—NATIONAL RESOURCE**
2 **CENTER ON CHILDREN AND**
3 **DISASTERS**

4 **SEC. 201. ESTABLISHMENT OF RESOURCE CENTER.**

5 The Secretary of Health and Human Services (in this
6 title referred to as the “Secretary”) shall establish a Na-
7 tional Resource Center on Children and Disasters (in this
8 title referred to as the “Center”).

9 **SEC. 202. PURPOSE OF THE CENTER.**

10 The Center shall provide resource information to
11 Federal, State, local, and tribal governments, as well as
12 to other nongovernmental entities, on issues relating to the
13 needs of children before, during, and after all hazards, dis-
14 asters, and emergencies.

15 **SEC. 203. FUNCTIONS OF THE CENTER.**

16 The Center shall—

17 (1) establish a clearinghouse to collect, main-
18 tain, disseminate, and, where appropriate, develop
19 information, networks, and resources on issues relat-
20 ing to the needs of children before, during, and after
21 all hazards, disasters, and emergencies, including
22 child health, child care, child welfare, elementary
23 and secondary education, affordable housing, trans-
24 portation, public finance mechanisms, and relevant

1 activities in emergency mitigation, preparedness, re-
2 sponse, and recovery; and

3 (2) develop and maintain a website and related
4 systems for disseminating information on issues de-
5 scribed in paragraph (1).

6 **SEC. 204. COLLABORATION AND COORDINATION.**

7 (a) COLLABORATION.—In carrying out this section,
8 the Secretary shall collaborate with any executive depart-
9 ment, bureau, agency, board, commission, office, inde-
10 pendent establishment, or instrumentality of the Govern-
11 ment responsible for policies, arrangements, procedures,
12 rules, and regulations relevant to the needs of children be-
13 fore, during, and after all hazards, disasters, and emer-
14 gencies.

15 (b) MEMORANDUM OF UNDERSTANDING.—Not later
16 than 90 days after the date of enactment of this Act, the
17 Secretary shall enter into a memorandum of under-
18 standing with the Secretary of Homeland Security, the
19 Secretary of Education, the Secretary of Housing and
20 Urban Development, the Secretary of Transportation, and
21 the Attorney General, to collaborate where appropriate on
22 the functions described in section 203.

23 (c) CONSULTATION.—In carrying out this title, the
24 Secretary shall consult with—

25 (1) State and local agencies;

1 (2) national and local organizations with dem-
2 onstrated expertise in working to address the needs
3 of children before, during, and after all hazards, dis-
4 asters, and emergencies;

5 (3) national organizations with demonstrated
6 specialty experience in areas such as child health,
7 child care, child welfare, primary education, afford-
8 able housing, transportation, juvenile justice, public
9 finance mechanisms, and relevant activities in emer-
10 gency mitigation, preparedness, response, and recov-
11 ery; and

12 (4) qualified professionals who possess the spe-
13 cialized knowledge, skills, experience, and relevant
14 attributes related to addressing the needs of children
15 before, during, and after all hazards, disasters, and
16 emergencies.

17 **SEC. 205. AUTHORITY TO ENTER INTO CONTRACTS.**

18 The Secretary may, to such extent and in such
19 amounts as are provided in appropriation Acts, enter into
20 contracts to enable the Center to discharge its duties
21 under this title.

1 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this title \$1,500,000 for each of fiscal years 2008 and
4 2009.

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